

XYZ WATER COMPANY

P.O. Box H2O Water Ave. Waterville, CA 99999

Telephone (555) 555-5555

May 19, 2014

Advice Letter No. 999

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

XYZ Water Company (XYZ) hereby transmits for filing one original and one copy of this advice letter and the following tariff sheets which are enclosed:

NEW SHEET

TITLE

CANCELLING SHEET

###-W – ###-W

Rule 14.1 –Water Conservation & Rationing Plan

New

###-W

Table of Contents

###-W

REQUEST

By Advice Letter 999, XYZ requests authority to add enclosed Rule 14.1 to its tariffs.

BACKGROUND

California is facing water shortfalls in the driest year in recorded state history. On January 17, 2014, Governor Edmund J. Brown Jr. proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for these drought conditions. The California Public Utilities Commission (Commission) adopted Resolution (Res.) W-4976 on February 27, 2014. Res. W-4976 adopted drought procedures for water conservation, rationing and service connection moratoria.

On March 8, 2014, the Commission's Division of Water and Audits (DWA) modified its Standard Practice (SP) U-40-W titled: "Procedures for Water Conservation, Rationing and Service Connection Moratoria." Paragraph 3 of SP U-40-W, under Section A – Purpose and Scope, states:

"To ensure timely response in time of drought all utilities must file a Tariff Rule 14.1 that includes: (a) a list of "non-essential or unauthorized water use" such as that found in Section E of these procedures, which customers shall be asked to avoid under voluntary conservation; and (b) the process by which the utility will add a Tariff Schedule 14.1 and the provisions to be included in the Tariff Schedule 14.1...."

Paragraph 10 of SP U-40-W, under Section C – Development of Conservation and Rationing, states in part that when conditions become severe, the utility may file an advice letter to initiate mandatory rationing pursuant to Schedule 14.1.

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TIER DESIGNATION AND REQUESTED EFFECTIVE DATE

These tariffs are submitted pursuant to General Order (GO.) 96-B and this advice letter is designated as a Tier 2 filing. This advice letter and proposed Rule 14.1 will become effective upon approval by DWA staff.

Once XYZ has received authorization to establish the enclosed Rule 14.1 to its tariffs, it can then activate Rule 14.1 by notifying the Director of DWA via letter in both hard-copy and electronic formats.

NOTICE

In compliance with Section 4.3 of GO. 96-B, a copy of this advice letter has been served to all parties listed on the enclosed service list.

This filing will not cause withdrawal of service nor conflict with any other schedule or rule.

RESPONSE OR PROTEST

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

1. The utility did not properly serve or give notice of the advice letter;
2. The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;
3. The analysis, calculations, or data in the advice letter contain material error or omissions;
4. The relief requested in the advice letter is pending before the Commission in a formal proceeding; or
5. The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or
6. The relief requested in the advice letter is unjust, unreasonable, or discriminatory (provided that such a protest may not be made where it would require relitigating a Prior order of the Commission).

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A protest shall provide citations or proofs where available to allow staff to properly consider the protest. A response or protest must be made in writing or by electronic mail and must be received by DWA within 20 days of the date this advice letter is filed. The addresses for submitting a response or protest are:

Mailing Address:

California Public Utilities Commission
Water Division, 3rd Floor
505 Van Ness Avenue
San Francisco, CA 94102

Email Address:

Water.Division@cpuc.ca.gov

On the same day the response or protest is submitted to DWA, the respondent or protestant shall send a copy of the protest to Kenwood at:

Mailing Address:

XYZ Water Company
P.O. Box H2O Water Ave.
Waterville, CA 99999

Email Address:

XYZH2O@water.com

Cities and counties that need Board of Supervisors or Board of Commissioners approval to protest should inform DWA, within the 20 day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on.

REPLIES

The utility shall reply to each protest and may reply to any response. Each reply must be received by DWA within five business days after the end of the protest period, and shall be served on the same day to the person who filed the protest or response.

XYZ Water Company

By: /s/JOHN DOE

John Doe
Manager

Enclosures

XYZ WATER COMPANY

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Telephone (555) 555-5555

CERTIFICATE OF SERVICE

I hereby certify that the enclosed service list has been served a copy of Advice Letter No. 999 on May 19, 2014.

Executed in Waterville, California on the May 19, 2014.

XYZ Water Company

By: /s/JOHN DOE

John Doe

Manager

XYZ WATER COMPANY

P.O. Box H2O Water Ave. Waterville, CA 99999

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Advice Letter 999

Service List

(AS PER SECTION 4.3 OF GENERAL ORDER No. 96-B)

Jane
1111 Water Lane
Waterville, CA 99999

Bill
4444 Water Lane
Waterville, CA 99999

Jack
2222 Water Lane
Waterville, CA 99999

Bob
5555 Water Lane
Waterville, CA 99999

Jill
3333 Water Lane
Waterville, CA 99999

RULE 14.1
WATER CONSERVATION & RATIONING PLAN

GENERAL INFORMATION

1. If water supplies are projected to be insufficient to meet normal customer demand, and are beyond the control of the utility, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule, after notifying the Director of the Commission's Division of Water and Audits of its intent, via a letter in both hard-copy and e-mailed formats.
2. Prior to declaration of mandatory rationing, a utility may request authorization of a Schedule 14.1 – Staged Mandatory Water Conservation and Rationing tariff, via a Tier 2 advice letter.
3. If, in the opinion of the utility, more stringent water measures are required, the utility shall request Commission authorization to implement the staged mandatory conservation and rationing measures set forth in Sections B through E.
4. The utility shall file a Tier 1 advice letter to request activation of a particular stage of Schedule 14.1 – Staged Mandatory Water Conservation and Rationing tariff.
 - a. If a Declaration of Mandatory Rationing is made by utility or governing agency, or
 - b. If the utility is unable to address voluntary conservation levels set by itself, supplier, or governing agency, or
 - c. If the utility chooses to subsequently activate a different stage
5. When Schedule 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands, and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval via a Tier 1 advice letter to de-activate the particular stage of mandatory rationing that had been authorized.
6. In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by its version of Rule 20. The utility shall notify all customers of the availability of conservation kits via a bill insert or direct mailers.

(continued)

(To be inserted by utility)

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John Doe

Manager

(To be inserted by P.U.C.)

Date Filed _____

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

A. CONSERVATION - NON-ESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for non-essential or unauthorized uses, including but not limited to:

1. Use of potable water for more than minimal landscaping, as defined in the landscaping regulated of the jurisdiction or as described in Article 10.8 of the California Government Code in connection with new construction;
2. Use through any meter when the company has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within five business days;
3. Use of potable water which results in flooding or runoff in gutters or streets;
4. Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use;
5. Use of potable water washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk;
6. Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping by means other than drip irrigation, or hand watering without quick acting positive action shut-off nozzles, on a specific schedule, for example:
 - 1) before 9:00 a.m. and after 5:00 p.m.;
 - 2) every other day; or
 - 3) selected days of the week;
7. Use of potable water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public;

(continued)

(To be inserted by utility)

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

8. Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
9. Use of potable water for construction purposes unless no other source of water or other method can be used;
10. Use of potable water for street cleaning;
11. Operation of commercial car washes without recycling at least 50% of the potable water used per cycle;
12. Use of potable water for watering outside plants, lawn, landscape and turf areas during certain hours if and when specified in Schedule No. 14.1 when the schedule is in effect;
13. Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water;
14. Use of potable water for the filling or refilling of swimming pools.
15. Service of water by any restaurant except upon the request of a patron; and
16. Use of potable water to flush hydrants, except where required for public health or safety.

(continued)

(To be inserted by utility)

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

B. STAGED MANDATORY RATIONING OF WATER USAGE

1. Prior to declaration of mandatory rationing, a utility may request authorization of a Schedule 14.1 – Staged Mandatory Water Conservation and Rationing tariff, via a Tier 2 advice letter, with full justification. The utility may not institute Schedule 14.1 until it has been authorized to do so by the Commission.
 - a. A staged Schedule 14.1 that has been authorized by the Commission shall remain dormant until triggered by specific conditions detailed in the Schedule 14.1 tariff and utility has requested and received authorization for activating a stage by Commission.
 - b. Notice of the Tier 2 advice letter and associated public participation hearing shall be provided to customers under General Order (GO) 96-B rules.
 - c. Utility shall comply with all requirements of Sections 350-358 of the California Water Code.
 - d. The Tier 2 advice letter requesting institution of a Schedule 14.1 shall include but not be limited to:
 - i. Proposed Schedule 14.1 tariff, which shall include but not be limited to:
 1. Applicability,
 2. Territory applicable to,
 3. A detailed description of each Stage of Rationing,
 4. A detailed description of the Trigger that Activates each Stage of Rationing,
 5. A detailed description of each water use restriction for each stage of rationing.
 6. Water use violation levels, written warning levels, associated fines, and exception procedures,

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

7. Conditions for installation of a flow restrictor,
 8. Charges for removal of flow restrictors, and
 9. Special Conditions
 - ii. Justification for, and documentation and calculations in support of plan, including but not limited to each item in B.1.d.i above.
 2. Number of Stages requested by each utility/district may vary, depending on specifics of water shortage event.
 3. The utility shall file a Tier 1 advice letter to request activation of a particular stage of Schedule 14.1 – Staged Mandatory Water Conservation and Rationing tariff.
 - a. If a Declaration of Mandatory Rationing is made by utility or governing agency,
 - b. If the utility is unable to address voluntary conservation levels set by itself or governing agency, or
 - c. If the utility chooses to subsequently activate a different stage.
 - d. The Tier 1 advice letter requesting activation of a Schedule 14.1 shall include but not be limited to:
 - i. Justification for activating this particular stage of mandatory rationing, as well as period during which this particular stage of mandatory conservation and rationing measures will be in effect.
 - ii. When the utility requests activation of a particular Stage, it shall notify its customers as detailed in Section E, below.
 4. All monies collected by the utility through water use violation fines shall not be accounted for as income.
 5. All expenses incurred by utility to implement Rule 14.1 and Schedule 14.1 that have not been considered in a General Rate Case or other proceeding, shall be recoverable by utility if determined to be reasonable by Commission.
 - a. These monies shall be accumulated by the utility in a separate memorandum account for disposition as directed or authorized from time to time by the Commission.

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(To be inserted by utility)

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

C. ENFORCEMENT OF STAGED MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program, in Section A of this rule, become mandatory when the authorized Schedule 14.1-Staged Mandatory Rationing Program is triggered, the utility files a Tier 1 advice letter requesting activation of a particular stage, and authorization is received from the Commission.
 - a. In the event a customer is observed to be using water for any nonessential or unauthorized use as defined in Section A of this rule, the utility may charge a water use violation fine in accordance with Schedule No. 14.1.
2. The utility may, after one verbal and one written warning, install a flow-restricting device on the service line of any customer observed by utility personnel to be using water for any non-essential or unauthorized use as defined in Section A above.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premise with a minimum of 3 Ccf/person/month. The restricting device may be removed only by the utility, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge as set forth in Schedule No. 14.1.
4. After the removal of the restricting device, if any non-essential or unauthorized use of water shall continue, the utility may install another flow-restricting device. This device shall remain in place until water supply conditions warrant its removal and until the appropriate charge for removal has been paid to the utility.
5. Any tampering with flow restricting device by customer can result in fines or discontinuation of water use at the utility's discretion.
6. If, despite installation of such flow-restricting device pursuant to the provisions of the previous enforcement conditions, any such non-essential or unauthorized use of water shall continue, then the utility may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the utility as a condition to restoration of service.

(continued)

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

7. All monies collected by the utility through water use violation fines shall not be accounted for as income. All expenses incurred by utility to implement Rule 14.1 and Schedule 14.1 that have not been considered in a General Rate Case or other proceeding, shall be recoverable by utility if determined to be reasonable by Commission. These additional monies shall be accumulated by the utility in a separate memorandum account for disposition as directed or authorized from time to time by the Commission.
8. The charge for removal of a flow-restricting device shall be in accordance with Schedule No. 14.1.

D. APPEAL PROCEDURE

1. Any customer who seeks a variance from any of the provisions of this water conservation and rationing plan shall notify the utility in writing, explaining in detail the reason for such a variation. The utility shall respond to each such request in writing.
2. Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.
3. If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water conservation and rationing plan.

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RULE 14.1 (Cont.)
WATER CONSERVATION & RATIONING PLAN

E. PUBLICITY

1. As stated under Section B.1.b and c, when a utility requests authorization of a Schedule 14.1 – Staged Mandatory Water Conservation and Rationing tariff, via a Tier 2 advice letter, it shall provide notice of the Tier 2 advice letter and associated public meeting provided to customers, under General Order (GO) 96-B rules, and shall comply with all requirements of Sections 350-358 of the California Water Code (CWC), including but not limited to the following:
 - a. In order to be in compliance with both the GO and CWC, the utility shall provide notice via both newspaper and bill insert/direct mailing.
 - b. Utility shall file one notice for each advice letter filed, that includes both notice of the filing of the Tier 2 advice letter as well as the details of the public meeting (date, time, place, etc.).
 - c. The public meeting shall be held after the utility files the Tier 2 advice letter, and before the Commission authorizes implementation of the tariff.
 - d. Utility shall consult with Division of Water and Audits staff prior to filing advice letter, in order to determine details of public meeting.
2. In the event that a Schedule 14.1-Staged Mandatory Rationing Plan is triggered and utility requests activation through the filing of a Tier 1 advice letter, the utility shall notify its customers and provide each customer with a copy of Schedule 14.1 by means of bill insert or direct mailing. Notification shall take place prior to imposing any fines associated with this plan.
3. During the period that a stage of Schedule 14.1 is activated, the utility shall provide customers with updates in at least every other bill, regarding its water supply status and the results of customers' conservation efforts.

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